

Minnesota Association of Criminal Defense Lawyers

And

Minnesota Society for Criminal Justice

March 19, 2025

Senator Ron Latz
Senate office Building
95 University Avenue West
St. Paul, MN 55155

Representative Larry Kraft
Centennial Office Building
Fifth Floor
St. Paul, MN 55155

RE: Letter on Behalf of MACDL and MSCJ Regarding H.F. 2130/S.F. 2068

Dear Senator Latz and Representative Kraft:

This letter is submitted on behalf of the Minnesota Association for Criminal Defense Lawyers (MACDL), and the Minnesota Society for Criminal Justice (MSCJ) –the former being an organization comprised of over 250 practitioners of the Minnesota criminal defense bar who seek to uphold Constitutional rights, and ensure equal justice for all; and the latter being a college of over fifty defense attorneys who have been nominated and elected based upon their knowledge and experience in defending those accused of a crime, who meet monthly to discuss developments in Minnesota criminal law – including an emphasis on DWI defense.

MACDL and MSCJ write in opposition to the above-referenced legislation. To be clear, every member of both MACDL and MSCJ are in favor of making roads safer for all Minnesotans. Having said that, it is our belief that this proposed legislation fails to accomplish that goal for several reasons outlined below.

Current law requires nearly all repeat DWI offenders, and some first-time offenders, to complete the IIDP. Currently, they must participate in the program for 1, 2, 3, 4, or 6 years –depending on the number of prior offense and test result for the current offense. For many of these drivers, if not most, the current IIDP creates a financial barrier to enrollment –evidenced by lower rates of enrollment by drivers required to participate in the program. The proposed legislation will not only increase the number of drivers required to enroll, it exponentially increases the duration of time required to complete the program to 2, 6, and 10 years. Increasing the number of drivers required to participate in the program, and lengthening the time they shall be required to participate in the IIDP, will only exacerbate the current financial impediment to enrollment; as well as increasingly discourage many from entering the program in the first place. This unfortunately leaves many drivers with the only option to drive illegally – with no ignition interlock device installed in the vehicle.

Studies have shown that the IIDP helps to make Minnesota roads safer. However, there is no evidence that exponentially increasing the duration of the IIDP significantly impacts rates of recidivism, nor does it guaranty safer roads.

MACDL and MSCJ applaud and support the provision permitting entry into the IIDP prior to payment of the \$680.00 reinstatement fee –it will definitely abate some of the financial constraint that deters some drivers from the program. In addition, the current IIDP reduced-rates for which some drivers

qualify based on financial hardship, has helped some to financially afford the IIDP. However, these nonetheless do not overcome the ultimate current, and increasingly future, financial impediment for many drivers, associated with installing and maintaining the equipment required for participation.

There is equally no evidence that increasing the look-back period from ten to twenty years, or increasing the time required to participate in the program, will make Minnesota roads safer. The number of repeat offenders that go more than ten years between DWI offenses is relatively small; unfortunately, drivers who reoffend often do so far sooner. In addition, the current law already provides that a driver who incurs three offenses in ten years, or four offenses in a lifetime, is canceled as inimical to public safety, and must participate in the IIDP for a minimum of three years.

The proposal to increase the length of time the driver is required to be on the IIDP does not make Minnesota roads safer. There is simply no evidence that extending the time a driver is required to participate in the IIDP reduces recidivism. The devastating events at the Park Tavern in St. Louis Park provides a good example. That driver had already successfully completed six-years on the IIDP prior to this tragedy; yet still reoffended. There is no evidence that placing that driver on the program for ten years instead of six would have done anything more to deter their recidivism. There is no evidence that requiring a second-time offender to be on the IIDP for two years instead of one, will reduce their likelihood of recidivism.

What MACDL and MSCJ believe would make Minnesota roads safer, would be to legislate that drivers revoked for criminal vehicular homicide (CVH) also be permitted to enroll in the IIDP. Currently a driver convicted of CVH has no legal means to drive for upwards of ten years. Minnesota roads would be far safer with them driving with the ignition interlock device than to drive illegally. Using the previous example, that particular driver, if convicted, will currently be unable to legally drive for ten years –and will not be eligible for a restricted license on the IIDP. Their only option to drive will be illegally; and with no interlock device on their vehicle –which is less safe for Minnesotans!!

Finally, a recent decision in the Court of Appeals ruled there is no right to judicial review when a driver is extended for a violation of the IIDP. Administrative review is currently the only means to challenge such violations. Administrative Review is often an assessment by DVS whether, assuming what is alleged is true, the appropriate penalty has been imposed; and is not an opportunity for a driver to interactively defend themselves of the allegation in a hearing or meeting. MACDL and MSCJ believe Minn. Stat. §171.19 should be amended to include the right of judicial review, as this new legislation will undoubtedly increase the number of participants in the IIDP, and the length of time they must participate in the program –thereby increasing the number of those that may be subject to an allegation of a violation of the program.

MACDL and MSCJ stand ready, willing, and able, to assist you as this legislation moves through the House and Senate –and to help make the process judicially fair to all; while making Minnesota roads safer.

Thank you for your consideration of this feedback

Sincerest Regards, on behalf of MACDL and MSCJ,



Charles R. Segal
Member of MACDL and Secretary of MSCJ